

10-18-05

RCE 2676/10/11

PTO/SB/30(08-00)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**CUSTOMER NUMBER 27792**

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of an utility or plant application
filed on or after June 8, 1995.

Application Number	10/066,167
Filing Date	January 31, 2002
First Named Inventor	Boler et al.
Group Art Unit	2676
Examiner Name	Anthony J. Blackman
Attorney Docket No.	MICR0259

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See *Changes to Application Examination and Provisional Application Practice*, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

 X 1. Submission required under 37 C.F.R. § 1.114

a. Previously submitted

- i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
- ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. Other _____

b. Enclosed

- i. X Amendment/Reply
- ii. Affidavit(s)/Declaration(s)
- iii. Information Disclosure Statement (IDS)
- iv. Other _____

10/19/2005 HDESTA1 00000022 10066167

01 FC:1801

790.00 OP

02 FC:1251

120.00 OP

 2. Miscellaneous

- a. Suspension of action on the above-identified application is requested under 37 CFR § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR § 1.17(i) required)
- b. Other _____

 X 3. Request for Extension of Time

Applicant respectfully requests that the shortened statutory period for response to the Final Office Action dated June 21, 2005, set to expire on September 21, 2005, be extended by 1 month(s) to expire on October 21, 2005. The \$120 large entity fee is enclosed herewith in the check noted below.

X 4. Request for Constructive Petition for Extension of Time

It is requested that any concurrent or future reply submitted in the present application requiring a petition for an extension of time under 37 CFR 1.136(a)(3) for timely submission be treated as incorporating a petition for extension of time for the appropriate length of time. It is also requested that any additional required fees under § 1.17, including all required extension of time fees, be charged to Deposit Account No. 01-1940, thereby constructively petitioning for any necessary extension of time to maintain the present application in a pending state.

 X 5. Claim Status

<u>Computation of Fee For Claims as Submitted for filing in RCE</u>					
	<u>Claims Remaining after Preliminary Amendment Submitted Herewith (if any)</u>	<u>Highest Number of Claims Previously Paid For</u>	<u>Number of Extra Claims</u>	<u>Rate</u>	<u>Fees</u>
Total Claims	37	37	-0-	x \$50	\$-0-
Independent Claims	6	6	-0-	x \$200	<u>-0-</u>
ADDITIONAL CLAIM FEE					0
EXTENSION OF TIME FEE					120
RCE FEE					790
TOTAL ADDITIONAL FEE FOR THIS RCE SUBMISSION					<u>\$ 910</u>

X 6. **Fees** The RCE fee under 37 CFR § 1.17(e) is required by 37 CFR § 1.114 when the RCE is filed.

a. X The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 01-1940.

- i. RCE fee required under 37 CFR § 1.17(e)
 ii. Extension of time fee (37 CFR §§ 1.136 and 1.17)
 iii. X Any additional required fees
 iv. Other _____

b. ☒ Check No. 8574 in the amount of \$910 is enclosed, which includes all the fees as noted above.

c. Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Typed/Printed Name Sabrina K. MacIntyre

Registration Number: 56,912

Signature

Saturnk. MacDuck

Date: October 17, 2005

EXPRESS MAIL CERTIFICATE

Express Mail Label No. EV538087416US

Date of Deposit: October 17, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Alexandria, Virginia 22313-1450.

Elizabeth L. Miller
(Name of person mailing paper/fee)

Elizabeth L. Miller
(Signature of person mailing paper or fee)

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Director of the Patent and Trademark Office, Box RCE, Washington, DC 20231.**